

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is requested. Claims 8-13 and 21-35 are presently in the application. The amendments to the specification and title have been made as requested by the Examiner. It is noted that the amino acid sequences at page 15, line 1 and page 19, line 12 pointed to by the Examiner had their sequence identification numbers added in the prior response, however, upon review of the specification one other instance of the use of the motif was noted and a sequence identification number has been added.

Claim Rejections – 35 USC § 112

Claims 33-35 are rejected under 35 U.S.C 1212, first paragraph, as failing to comply with the written description requirement. The claims(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection is strenuously traversed.

As was done in the preliminary amendment which first introduced claims 33-35, the Examiner's attention is directed to page 20, lines 20-23 where the Tyr at position 58 is identified as the beginning of the domain of FGF18 that is critical for binding to its receptor, as compared to the FGF1 sequence. The identification of this amino acid in this manner is sufficient written support to have it function as an endpoint for a fragment to be claimed. The fact that the claimed fragments must bind receptor as recited in the claims is further support for the ability of this type of disclosure to delineate a polypeptide endpoint. The three claimed carboxy endpoints (amino acids 175, 196, and 207) are identified in multiple areas of the specification (see, for example, page 7, line 31 – page 8, line 20) and in actual polypeptides produced in the Examples. Thus, the specification provides ample written support for the polypeptides of claims 33-35.

Double Patenting

Terminal disclaimers for the two patents at issue are enclosed to overcome the rejection of the claims for double patenting.

On the basis of the above amendments and remarks, Applicants believe that each rejection has been addressed and overcome. Reconsideration of the application and its allowance are requested. If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6752.

Application Serial No.: 10/037,922
Amendment dated: December 14, 2006
Response to Office Action dated September 14, 2006

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It is believed that no fee is due. However, in the event that a fee is due, please charge any fee or credit any overpayment to Deposit Account No. 26-0290.

Respectfully Submitted,

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Enclosures:

Terminal Disclaimer for U.S. Patent No. 6,352,971
Terminal Disclaimer for U.S. Patent No. 6,518,236

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